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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,087	10/04/1999	GARY L. BURGE	1355-171C	9198

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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,087

Applicant(s)

Burge et al.,

Examiner

John Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 31, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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FINAL REJECTION

1. **The request for continued examination (RCE) filed on 12/31/2002 under 37 CFR 1.114 based on parent Application No. 09/412,087 is acceptable and an RCE has been established. A final action on the RCE follows:**

DRAWINGS

2. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

REVISED 35 U.S.C. §103(a) REJECTIONS FOR CLAIMS 1-20

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Independent claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dedrick 5,710,884 (01/20/1998) [US f/d: 03/29/1995] (herein referred to as "Dedrick '884") in view of Ritchie 6,295,530 (09/25/2001) [US f/d: 5/15/1996] (herein referred to as "Ritchie") and further in view of Horstmann 6,285,985 (09/04/2001) [US f/d: 04/03/1998] (herein referred to as "Horstmann").

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As per claim 1, Dedrick '884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) shows:

A system for customizing displays, comprising: electronic user profile data comprising on-line behavior data and personal data; content data from a plurality of content providers; a plurality of model parameters identifying display characteristics for a computer display; a plurality of actual display characteristics selected in accordance with said electronic user profile data, and said plurality of model parameters; and a display comprising said actual display characteristics and said content data from said plurality of content providers.

Dedrick '884 (col. 8, ll. 31-50; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) discloses: "*statistic compilation . . . compiles content-specific information. . . . This information includes . . . how much time the end user spends consuming the electronic content. . . .*"

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Dedrick '884 (col. 3, ll. 13-18; and col. 3, ll. 23-25) discloses: *"Each client system . . . may be any other type of consumer consumption device, such as a television set, a cable settop converter, a game machine, etc. The server . . . is typically a dedicated computer that provides an interconnect contact node which allows the client systems . . . to communicate with the server . . . and other client systems. . . . the server . . . and the client systems . . . contain the necessary interface hardware and software required to transfer information between the components of the system. . . ."*

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses *"consumption formats include formats such as audio, video, graphics, animation, text, etc. . . ."* In this case, the Examiner interprets the above disclosures as "a plurality of model parameters identifying display characteristics for a computer display. . . ."

Dedrick '884 lacks an explicit recitation of: "a plurality of model parameters identifying display characteristics for a computer display. . . ."

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) would have been selected in accordance with "a plurality of model parameters identifying display characteristics for a computer display. . . ." because such selection would have provided means for the end user *"to consume the advertisement in whichever format he or she prefers. . . ."* (See Dedrick '884 (col. 4, ll. 65-67)).

Dedrick '884 lacks an explicit recitation of: "content data from said plurality of content providers."

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Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) shows elements that suggest “content data from said plurality of content providers.”

Ritchie proposes “content data from said plurality of content providers” modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see Dedrick ‘884 (col. 4, ll. 65-67)) and would have provided means “*to display viewable data in accordance with the specified page format.*” (See Ritchie (col. 5, ll. 1-10)).

Dedrick ‘884 lacks an explicit recitation of: “a plurality of actual display characteristics selected ***independently of said content*** data in accordance with said electronic user profile data. . . .” even though Dedrick ‘884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that Dedrick ‘884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67;

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col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) would have been selected in accordance with “a plurality of actual display characteristics selected independently of said content data in accordance with said electronic user profile data. . . .” because such selection would have provided means “to consume the advertisement in whichever format he or she prefers. . . .” (See Dedrick ‘884 (col. 4, ll. 65-67)).

Dedrick ‘884 lacks an explicit recitation of: “said content data selected according to said electronic profile data. . . .” even though Dedrick ‘884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) in view of Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) suggests same.

Horstmann (col. 3, ll. 61-67) discloses: “the ad module sends ‘user profile’ information to the ad server such that ads targeted to the user based on the user profile may be downloaded and displayed.”

Horstmann (the ABSTRACT) discloses: “The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user’s machine may be started up and pointed

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to a location providing further information about the subject matter of the ad.

Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new add could be a repeat of an already downloaded ad . . . or it could be a freshly

downloaded ad.” In this case, the Examiner interprets these disclosures as content data selected according to said electronic profile data. . . .

Dedrick ‘884 lacks an explicit recitation of: “a display comprising said actual display characteristics and said content data from said plurality of content providers wherein said display is unique to a user with said electronic user profile data based on said actual display characteristics and said content data from said plurality of content providers.”

Horstmann (the ABSTRACT; FIG. 1; and col. 3, ll. 61-67) in view of Dedrick ‘884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) shows “a display comprising said actual display characteristics and said content data from said plurality of content providers wherein said display is unique to a user with said electronic user profile data based on said actual display characteristics and said content data from said plurality of content providers.”

Horstmann proposes “plurality of content providers” unique display modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure

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of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user *"to consume the advertisement in whichever format he or she prefers. . . ."* (see Dedrick '884 (col. 4, ll. 65-67)) and would have provided means *"to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . ."* (See Horstman (col. 2, ll. 5-10)) and because such combination would have provided a method of *"[customizing] electronic information to individual end users without specific direction from the users. That is "[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . ."* (see Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided *"a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . ."* (See Dedrick '884 (col. 1, ll. 59-65)).

As per claim 2, Dedrick '884 in view of Ritchie and further in view of Horstmann shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick '884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) discloses: *"statistic compilation . . . compiles content-specific*

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information. . . . This information includes . . . how much time the end user spends consuming the electronic content. . . .”

Dedrick ‘884 (col. 4, ll. 24-34; col. 8, ll. 32-52) shows elements that suggest “wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites.”

Dedrick ‘884 lacks an explicit recitation of “wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites.”

Horstmann (col. 4, ll. 10-17) discloses: “*the user expresses interest in an advertisement by clicking on it. The ad module detects the click and activates a local Web browser, causing a Web page related to the advertisement to be accessed*”

Horstmann (the ABSTRACT) discloses: “*The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user’s machine may be started up and pointed to a location providing further information about the subject matter of the ad. Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new add could be a repeat of an already downloaded ad . . . or it could be a freshly downloaded ad.*”

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Horstmann (col. 4, ll. 47-61) discloses: *“the developer specifies a URL of the ad server and selects whether connection is to be user initiated or scheduled. . . . The ad server may retrieve multiple ads at a single time for display over a period of time. . . . The developer may specify the interval to be on the quarter hour, hourly, or any desired interval.”*

Horstmann (col. 4, ll. 10-17; the ABSTRACT; col. 4, ll. 47-61; and FIG. 4) in view of Dedrick ‘884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) shows “wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites.”

Horstmann proposes Web site visit and access time modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick ‘884 because such combination would have provided means for the end user *“to consume the advertisement in whichever format he or she prefers. . . .”* (see Dedrick ‘884 (col. 4, ll. 65-67)) and would have provided means *“to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .”* (See Horstman (col. 2, ll. 5-10)).

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As per claim 3, Dedrick '884 in view of Ritchie and further in view of Horstmann shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick '884 (col. 3, ll. 50-67; col. 4, ll. 14-24; col. 6, ll. 1-10; and col. 12, ll. 26-43) shows elements that suggest “wherein the personal data comprises age, sex, hobbies, and interests.”

Dedrick '884 lacks an explicit recitation of: “wherein the personal data comprises age, sex, hobbies, and interests.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 3, ll. 50-67; col. 4, ll. 14-24; col. 6, ll. 1-10; and col. 12, ll. 26-43) would have been selected in accordance with “wherein the personal data comprises age, sex, hobbies, and interests. . . .” because such selection would have provided a method of “[customizing] *electronic information to individual end users without specific direction from the users. . . .*” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 4, Dedrick '884 in view of Ritchie and further in view of Horstmann shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*”

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests “model parameters. . . .”

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Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts.”

Dedrick '884 lacks an explicit recitation of: “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”

Horstmann (col.4, ll. 27-40; and FIG. 4) discloses: “*the Ad Module Builder tool guides a software developer through various options pertaining to operation of the ad module. A simplified example of a screen display used to prompt the software developer is shown in FIG. 4.*”

Horstmann (col.4, ll. 27-40; and FIG. 4) in view of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) proposes screen display options modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means “*to retrieve advertisements from a an advertisement server and to*

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display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .” (See Horstman (col. 2, ll. 5-10)).

As per claim 5, Dedrick ‘884 in view of Ritchie and further in view of Horstmann shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) shows elements that suggest “wherein said content data comprises data for products and services.”

Dedrick ‘884 lacks an explicit recitation of: “wherein said content data comprises data for products and services. . . .”; however,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) would have been selected in accordance with “wherein said content data comprises data for products and services. . . .” because such selection would have provided a method by which a consumer could “[consume] the electronic advertisement and[select] the ‘buy’ option. (See Dedrick ‘884 (col. 19, ll. 42-55)).

Dedrick ‘884 lacks an explicit recitation of: “content data comprises data . . . from each of said plurality of content providers.”

(NOTE: It is well settled in the law that a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including non-

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preferred embodiments. (See *Merck & Co. Inc. v. Biocraft Laboratories Inc.*, 10 USPQ2d 1843 (CAFC 1989)).

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) reasonably suggests a “plurality of content providers.” In this case the Examiner interprets the different categories depicted in Ritchie (FIG. 7) as reasonably suggesting a “plurality of content providers.”

Ritchie proposes “plurality of providers. . . .” modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “to consume the advertisement in whichever format he or she prefers. . . .” (see Dedrick ‘884 (col. 4, ll. 65-67)) and would have provided means “to display viewable data in accordance with the specified page format. . . .” (See Ritchie (col. 5, ll. 1-10)) even though Ritchie lacks explicit recitation of a “plurality of content providers. . . .”; however,

Horstmann (the ABSTRACT) discloses: “The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user’s machine may be started up and pointed to a location providing further information about the subject matter of the ad.

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Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new add could be a repeat of an already downloaded ad . . . or it could be a freshly downloaded ad."

Horstmann (col. 3, ll. 61-67) discloses: "*the ad module sends 'user profile' information to the ad server such that ads targeted to the user based on the user profile may be downloaded and displayed."*

Horstmann (the ABSTRACT; FIG. 1; and col. 3, ll. 61-67) in view of Dedrick '884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) shows "wherein said content data comprises data for products and services **from each of said plurality of content providers.**"

Horstmann proposes "plurality of content providers" modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user "*to consume the advertisement in whichever format he or she prefers. . . .*" (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means "*to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising*

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to be targeted to the user. . . .” (See Horstman (col. 2, ll. 5-10)) and because such combination would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick ‘884 (col. 1, ll. 59-65)).

As per claim 6, Dedrick ‘884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows: “A method for customizing displays in accordance with user preferences comprising the steps of . . . creating electronic profile data for a computer user, said electronic profile data **comprising on-line behavior data and personal data** . . . defining general display characteristics for a computer display . . . applying a predictive model to said electronic profile data to select actual display characteristics in accordance with said general display characteristics **and said electronic profile data** . . . **generating a unique computer display based on said actual display characteristics and said content provider data** . . . and displaying **to a user with said**

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electronic profile data said unique computer display . . . in accordance with said actual display characteristics determined in accordance with said on-line behavior data of said electronic profile data.

Dedrick '884 lacks an explicit recital of “selecting content provider data from a plurality of content providers **in accordance with said electronic profile data . . . [and] display with** said content provider data from said plurality of content providers. . . .”

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) reasonably suggests “selecting content provider data from a plurality of content providers **in accordance with said electronic profile data . . . [and] display with** said content provider data from said plurality of content providers. . . .” In this case the Examiner interprets the different categories depicted in Ritchie (FIG. 7) as reasonably suggesting “selecting content provider data from a plurality of content providers **in accordance with said electronic profile data . . . display with** said content provider data from said plurality of content providers. . . .” even though Ritchie lacks explicit recitation of a “plurality of content providers.”

Ritchie proposes “content provider data **from said plurality of content providers . . . [and] display. . .**” modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick '884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see Dedrick '884 (col. 4, ll.

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65-67)) and such combination would have provided means *“to display viewable data in accordance with the specified page format. . . .”* (See Ritchie (col. 5, ll. 1-10)) even though Ritchie lacks explicit recitation of a “plurality of content providers. . . .”; however,

Horstmann (the ABSTRACT) discloses: *“The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user’s machine may be started up and pointed to a location providing further information about the subject matter of the ad. Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new add could be a repeat of an already downloaded ad . . . or it could be a freshly downloaded ad.”*

Horstmann (col. 3, ll. 61-67) discloses: *“the ad module sends ‘user profile’ information to the ad server such that ads targeted to the user based on the user profile may be downloaded and displayed.”*

Horstmann (the ABSTRACT; FIG. 1; and col. 3, ll. 61-67) in view of Dedrick ‘884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) shows “selecting content provider data from a plurality of content providers **in accordance with said**

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electronic profile data . . . [and] display with said content provider data from said plurality of content providers. . . .”

Horstmann proposes “plurality of content providers” unique display modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see Dedrick ‘884 (col. 4, ll. 65-67)) and such combination would have provided means “*to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .*” (See Horstman (col. 2, ll. 5-10)) and because such combination would have provided a method of “[*customizing*] electronic information to individual end users without specific direction from the users. That is “[*monitoring*] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick ‘884 (col. 1, ll. 59-65)) and because such combination would have provided a method of “[*customizing*] electronic information to

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individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick ‘884 (col. 1, ll. 59-65)).

As per claim 7, Dedrick ‘884 in view of Ritchie and further in view of Horstmann shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick ‘884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) shows elements that suggest “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

Dedrick ‘884 lacks an explicit recital of “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

Horstmann (col. 4, ll. 10-17) discloses: “the user expresses interest in ad advertisement by clicking on it. The ad module detects the click and activates a local Web browser, causing a Web page related to the advertisement to be accessed.”

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Horstmann (the ABSTRACT) discloses: *"The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user's machine may be started up and pointed to a location providing further information about the subject matter of the ad. Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new add could be a repeat of an already downloaded ad . . . or it could be a freshly downloaded ad."*

Horstmann proposes navigation preferences modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user *"to consume the advertisement in whichever format he or she prefers. . . ."* (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means *"to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . ."* (See Horstman (col. 2, ll. 5-10)) and because such combination would have provided a method of *"[customizing] electronic information to individual end users without specific direction from the users. That is "[monitoring] the*

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actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick ‘884 (col. 1, ll. 59-65)).

As per claim 8, Dedrick ‘884 in view of Ritchie and further in view of Horstmann shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick ‘884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) reasonably suggests “wherein said predictive model is adapted to select actual display characteristics regarding the number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts.”

Dedrick ‘884 lacks an explicit recital of the elements and limitations of “wherein said predictive model is adapted to select actual display characteristics regarding the number of options option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts.”

Horstmann (col.4, ll. 27-40; and FIG. 4) discloses: “the Ad Module Builder tool guides a software developer through various options pertaining to operation of the ad

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module. A simplified example of a screen display used to prompt the software developer is shown in FIG. 4.

Horstmann proposes screen display options modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user *"to consume the advertisement in whichever format he or she prefers. . . ."* (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means *"to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . ."* (See Horstman (col. 2, ll. 5-10)).

As per claim 9, Dedrick '884 in view of Ritchie and further in view of Horstmann shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses *"consumption formats include formats such as audio, video, graphics, animation, text, etc. . . ."*

Dedrick '884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) reasonably suggests "wherein said step of defining said general

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display characteristics comprises the step of defining available number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts.”

Dedrick ‘884 lacks an explicit recital of the elements and limitations of “wherein said step of defining said general display characteristics comprises the step of defining available number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts.”

Horstmann (col.4, ll. 27-40; and FIG. 4) discloses: *“the Ad Module Builder tool guides a software developer through various options pertaining to operation of the ad module. A simplified example of a screen display used to prompt the software developer is shown in FIG. 4.*

Horstmann proposes screen display options modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick ‘884 because such combination would have provided means for the end user *“to consume the advertisement in whichever format he or she prefers. . . .”* (see Dedrick ‘884 (col. 4, ll. 65-67)) and such combination would have provided means *“to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .”* (See Horstman (col. 2, ll. 5-10)).

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As per claim 10, Dedrick '884 in view of Ritchie and further in view of Horstmann shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick '884 (col. 19, ll. 42-67; FIG. 8; col. 2, ll. 53-56; and col. 16, ll. 47-58) reasonably suggests “wherein the step of selecting content provider data comprises the step of selecting products and services.”

Dedrick '884 lacks an explicit recitation of “wherein the step of selecting content provider data comprises the step of selecting products and services.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) would have been selected in accordance “wherein the step of selecting content provider data comprises the step of selecting products and services. . . .” because such selection would have provided a method by which a consumer could “[consume] the electronic advertisement and[select] the ‘buy’ option.. (See Dedrick '884 (col. 19, ll. 42-55)).

Dedrick '884 lacks an explicit recitation of: “selecting products and services **from each of said plurality of content providers.**”

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) reasonably suggests “selecting products and services **from each of said plurality of content providers.**” In this case the Examiner interprets the different categories depicted in Ritchie (FIG. 7) as reasonably suggesting

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“selecting content provider data from a plurality of content providers in accordance with said electronic profile data . . . display with said content provider data from said plurality of content providers. . . .” even though Ritchie lacks explicit recitation of a “plurality of content providers.”

Ritchie proposes “content provider data from said plurality of content providers. . .” modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . .*” (see Dedrick ‘884 (col. 4, ll. 65-67)) and such combination would have provided means “*to display viewable data in accordance with the specified page format. . .*” (See Ritchie (col. 5, ll. 1-10)) even though Ritchie lacks explicit recitation of a “plurality of content.providers. . .”; however,

Horstmann (the ABSTRACT) discloses: “*The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user’s machine may be started up and pointed to a location providing further information about the subject matter of the ad. Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new*

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ad could be a repeat of an already downloaded ad . . . or it could be a freshly downloaded ad."

Horstmann (col. 3, ll. 61-67) discloses: *"the ad module sends 'user profile' information to the ad server such that ads targeted to the user based on the user profile may be downloaded and displayed."*

Horstmann (the ABSTRACT; FIG. 1; and col. 3, ll. 61-67) in view of Dedrick '884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) shows "selecting content provider data from a plurality of content providers **in accordance with said electronic profile data . . . display with** said content provider data from said plurality of content providers. . . ."

Horstmann proposes "plurality of content providers" unique display modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user *"to consume the advertisement in whichever format he or she prefers. . . ."* (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means *"to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user.*

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Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .” (See Horstman (col. 2, ll. 5-10)).

As per claim 11, Dedrick ‘884 (FIG. 7b; FIG. 8; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) reasonably suggests “defining account data for a plurality of merchants. . . .”

Dedrick ‘884 (FIG. 7b; FIG. 8; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows “**said electronic profile data comprising on-line behavior data and personal data . . . defining model parameters for a computer display, said model parameters base don user preferences determined in accordance with said on-line behavior data of said electronic profile data . . . based on user preferences determined in accordance with said on-line behavior data of said electronic profile data, said customized computer display unique to a user with said electronic profile data.**”

Dedrick ‘884 lacks an explicit recital of “defining account data for a plurality of merchants . . . [and] combining said electronic profile data and said account data defined for said plurality of merchants to create a customized computer display in accordance with said model parameters **based on user preferences determined in accordance with said**

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on-line behavior data of said electronic profile data, said customized computer display unique to a user with said electronic profile data.”

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) reasonably suggests “a plurality of merchants.”

In this case the Examiner interprets the different categories depicted in Ritchie (FIG. 7) as reasonably suggesting “a plurality of merchants.”

Ritchie proposes “plurality of merchants. . . .” modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “to consume the advertisement in whichever format he or she prefers. . . .” (see Dedrick ‘884 (col. 4, ll. 65-67)) and such combination would have provided means “to display viewable data in accordance with the specified page format. . . .” (See Ritchie (col. 5, ll. 1-10)) even though Ritchie lacks explicit recitation of “a plurality of merchants. . . .”; however,

Horstmann (the ABSTRACT) discloses: “The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user’s machine may be started up and pointed to a location providing further information about the subject matter of the ad.

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Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new add could be a repeat of an already downloaded ad . . . or it could be a freshly downloaded ad.”

Horstmann (col. 3, ll. 61-67) discloses: “*the ad module sends ‘user profile’ information to the ad server such that ads targeted to the user based on the user profile may be downloaded and displayed.*”

Horstmann (the ABSTRACT; FIG. 1; and col. 3, ll. 61-67) in view of Dedrick ‘884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) shows “defining account data for a plurality of merchants . . . [and] combining said electronic profile data and said account data defined for said plurality of merchants to create a customized computer display in accordance with said model parameters **based on user preferences determined in accordance with said on-line behavior data of said electronic profile data, said customized computer display unique to a user with said electronic profile data.**”

Horstmann proposes “plurality of merchant” modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see

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Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means *“to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .”* (See Horstman (col. 2, ll. 5-10)) and because such combination would have provided a method of *“[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .”* (see Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided *“a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .”* (See Dedrick '884 (col. 1, ll. 59-65)).

As per claim 12, Dedrick '884 in view of Ritchie and further in view of Horstmann shows the system of claim 11. (See the rejection of claim 11 supra).

Dedrick '884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) reasonably suggests *“wherein the step of defining said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”*

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Dedrick '884 lacks an explicit recital of "wherein the step of defining said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user."

Horstmann (col. 4, ll. 10-17) discloses: *"the user expresses interest in ad advertisement by clicking on it. The ad module detects the click and activates a local Web browser, causing a Web page related to the advertisement to be accessed."*

Horstmann (the ABSTRACT) discloses: *"The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user's machine may be started up and pointed to a location providing further information about the subject matter of the ad. Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new add could be a repeat of an already downloaded ad . . . or it could be a freshly downloaded ad."*

Horstmann proposes navigation preferences modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user *"to consume the advertisement in whichever format he or she prefers. . . ."* (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would

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have provided means *“to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .”* (See Horstman (col. 2, ll. 5-10)) and because such combination would have provided a method of *“[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .”* (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided *“a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .”* (See Dedrick ‘884 (col. 1, ll. 59-65)).

As per claim 13, Dedrick ‘884 in view of Ritchie and further in view of Horstmann shows the system of claim 11. (See the rejection of claim 11 supra).

Dedrick ‘884 (FIG. 8; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; col. 17, ll. 32-60) col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) reasonably suggests *“uploading from said plurality of merchants information regarding products and*

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services available from said plurality of merchants.” wherein said content data comprises data for products and services.”

Dedrick ‘884 lacks an explicit recitation of: “uploading from said plurality of merchants information regarding products and services available from said plurality of merchants. . . .”; however,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) would have been selected in accordance with “uploading from said plurality of merchants information regarding products and services available from said plurality of merchants. . . .” because such selection would have provided a method by which a consumer could “[consume] the electronic advertisement and[select] the ‘buy’ option. (See Dedrick ‘884 (col. 19, ll. 42-55)).

As per claim 14, Dedrick ‘884 in view of Ritchie and further in view of Horstmann shows the system of claim 11. (See the rejection of claim 11 supra).

Dedrick ‘884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .”

Dedrick ‘884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests “model parameters. . . .”

Dedrick ‘884 (FIG. 7b; FIG. 8; col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60)

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reasonably suggests “wherein the step of defining model parameters for a computer display comprises the step of defining an available number of options, option locations, option shapes, option sizes, backgrounds, foreground, colors, borders, and fonts.”

Dedrick ‘884 lacks an explicit recitation of: “wherein the step of defining model parameters for a computer display comprises the step of defining an available number of options, option locations, option shapes, option sizes, backgrounds, foreground, colors, borders, and fonts. . . .”

Horstmann (col.4, ll. 27-40; and FIG. 4) discloses: “*the Ad Module Builder tool guides a software developer through various options pertaining to operation of the ad module. A simplified example of a screen display used to prompt the software developer is shown in FIG. 4.*”

Horstmann (col.4, ll. 27-40; and FIG. 4) in view of Dedrick ‘884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) proposes screen display options modifications that suggest “wherein the step of defining model parameters for a computer display comprises the step of defining an available number of options, option locations, option shapes, option sizes, backgrounds, foreground, colors, borders, and fonts. . . .” and that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see

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Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means “to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .” (See Horstman (col. 2, ll. 5-10)).

As per claim 15, Dedrick '884 in view of Ritchie and further in view of Horstmann shows the system of claim 11. (See the rejection of claim 11 supra).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .”

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests “model parameters. . . .”

Dedrick '884 (FIG. 7b; FIG. 8; col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) reasonably suggests “wherein the step of combining said electronic profile data and said account data to create a customized computer display in accordance with said model parameters comprises the steps of: selecting a number of options, option locations, option shapes, option sizes, backgrounds, foreground, colors, borders, and fonts based on said electronic profile data; and displaying selected account data in accordance with the selected number of options, option locations, option shapes, option sizes, backgrounds, foreground, colors, borders, and fonts.”

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Dedrick '884 lacks an explicit recitation of: “wherein the step of combining said electronic profile data and said account data to create a customized computer display in accordance with said model parameters comprises the steps of: selecting a number of options, option locations, option shapes, option sizes, backgrounds, foreground, colors, borders, and fonts based on said electronic profile data; and displaying selected account data in accordance with the selected number of options, option locations, option shapes, option sizes, backgrounds, foreground, colors, borders, and fonts. . . .”

Horstmann (col.4, ll. 27-40; and FIG. 4) discloses: “*the Ad Module Builder tool guides a software developer through various options pertaining to operation of the ad module. A simplified example of a screen display used to prompt the software developer is shown in FIG. 4.*”

Horstmann (col.4, ll. 27-40; and FIG. 4) in view of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) proposes screen display options modifications that suggest “wherein the step of combining said electronic profile data and said account data to create a customized computer display in accordance with said model parameters comprises the steps of: selecting a number of options, option locations, option shapes, option sizes, backgrounds, foreground, colors, borders, and fonts based on said electronic profile data; and displaying selected account data in accordance with the selected number of options, option locations, option shapes, option sizes, backgrounds, foreground, colors, borders, and fonts. . . .” and that would have applied to the teachings of Dedrick '884. It would

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have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user *"to consume the advertisement in whichever format he or she prefers. . . ."* (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means *"to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . ."* (See Horstman (col. 2, ll. 5-10)).

As per claim 16, Dedrick '884 (col. 9, ll. 12-30; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows "a database for storing merchant data. . . ."

Dedrick '884 (FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42; col. 9, ll. 12-30; col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 35-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows "An electronic marketing system comprising: a plurality of electronic user profiles; a database for storing merchant data . . . variable display characteristics for defining the layout of a computer display; a predictive model for selecting actual display characteristics in accordance with one of said plurality of

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electronic user profiles and said merchant data . . . a computer display comprising said actual display characteristics and said merchant data . . . **said computer display unique to a use[sic] with said one of said plurality of electronic user profiles based on said actual display characteristics and said merchant data.**

Dedrick '884 lacks an explicit recital of "a plurality of merchants."

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) reasonably suggests "a plurality of merchants." In this case the Examiner interprets the different categories depicted in Ritchie (FIG. 7) as reasonably suggesting "a plurality of merchants."

Ritchie proposes "plurality of merchants. . . ." modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick '884 because such combination would have provided means for the end user "*to consume the advertisement in whichever format he or she prefers. . . .*" (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means "*to display viewable data in accordance with the specified page format. . . .*" (See Ritchie (col. 5, ll. 1-10)) even though Ritchie lacks explicit recitation of "a plurality of merchants. . . ."; however,

Horstmann (the ABSTRACT) discloses: "*The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When*

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the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user's machine may be started up and pointed to a location providing further information about the subject matter of the ad.

Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new add could be a repeat of an already downloaded ad . . . or it could be a freshly downloaded ad."

Horstmann (col. 3, ll. 61-67) discloses: "*the ad module sends 'user profile' information to the ad server such that ads targeted to the user based on the user profile may be downloaded and displayed.*"

Horstmann (the ABSTRACT; FIG. 1; and col. 3, ll. 61-67) in view of Dedrick '884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 1-67; and col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 9-65; col. 18, ll. 62-67; col. 91, ll. 1-67; col. 20, ll. 1-30) shows "a database for storing merchant data for a plurality of merchants . . . [and] said merchant data from said plurality of merchants in said database. . . ."

Horstmann proposes "plurality of merchant" database modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user "*to consume the advertisement in whichever format he or she prefers. . . .*" (see Dedrick '884 (col. 4, ll. 65-67)) and because such combination

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would have provided means *“to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, display viewable data in accordance with the specified page format. . . .”* (See Ritchie (col. 5, ll. 1-10)) and because such combination would have provided a method of *“[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .”* (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided *“a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .”* (See Dedrick ‘884 (col. 1, ll. 59-65)).

As per claim 17, Dedrick ‘884 in view of Ritchie and further in view of Horstmann shows the system of claim 16. (See the rejection of claim 16 supra).

Dedrick ‘884 (col. 3, ll. 50-67; col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 14-34; col. 4, ll. 37-50; col. 4, ll. 1-5; col. 8, ll. 32-52; col. 12, ll. 26-43; and col. 17, ll. 13-25) shows “wherein said electronic user profiles comprise online behavior data comprising . . . content selections . . . and personal data comprising age, sex, hobbies, and interests for each of a plurality of computer users.”

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Dedrick '884 lacks an explicit recital of "hobbies. . . ."; however, in this case, the Examiner interprets the disclosure in Dedrick '884 of "interests" as "hobbies."

Dedrick '884 lacks an explicit recital of "online behavior data comprising selected sites, number of visits to selected sites, entry and exit times for selected sites and content selections from selected sites. . . ."

Horstmann (col. 4, ll. 10-17) discloses: *"the user expresses interest in ad advertisement by clicking on it. The ad module detects the click and activates a local Web browser, causing a Web page related to the advertisement to be accessed."*

Horstmann (the ABSTRACT) discloses: *"The advertisements are varied to retain the interest of the user. Furthermore, information about the user may be sent to the advertisement server, allowing advertisements to be targeted to the user. . . . When the user clicks on the ad being displayed, the ad module may cause various actions to be taken. For example, a Web browser on the user's machine may be started up and pointed to a location providing further information about the subject matter of the ad. Alternatively, the ad module may simply show a new ad in the ad screen. . . . The new add could be a repeat of an already downloaded ad . . . or it could be a freshly downloaded ad."*

Horstmann (col. 4, ll. 47-61) discloses: *"the developer specifies a URL of the ad server and selects whether connection is to be user initiated or scheduled. . . . The ad server may retrieve multiple ads at a single time for display over a period of time. . . ."*

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The developer may specify the interval to be on the quarter hour, hourly, or any desired interval."

Horstmann (col. 4, ll. 10-17; the ABSTRACT; col. 4, ll. 47-61; and FIG. 4) in view of Dedrick '884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) shows "wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites."

Horstmann proposes Web site visit and access time modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user "to consume the advertisement in whichever format he or she prefers. . . ." (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means "to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . ." (See Horstman (col. 2, ll. 5-10)) and because such combination would have provided means "to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the

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advertisement server, allowing advertising to be targeted to the user. . . .” (See Horstman (col. 2, ll. 5-10)) and because such combination would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick ‘884 (col. 1, ll. 59-65)).

As per claim 18, Dedrick ‘884 in view of Ritchie and further in view of Horstmann shows the system of claim 16. (See the rejection of claim 16 supra).

Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; col. 19, ll. 42-55; col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows “wherein said merchant data comprises information regarding products and services. . . .”

Dedrick ‘884 lacks an explicit recitation of: “wherein said merchant data comprises information regarding products and services. . . .”; however,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58;

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and col. 19, ll. 42-55) would have been selected in accordance with “wherein said merchant data comprises information regarding products and services. . . .” because such selection would have provided a method by which a consumer could “[consume] the *electronic advertisement and[select] the ‘buy’ option.* (See Dedrick ‘884 (col. 19, ll. 42-55)).

As per claim 19, Dedrick ‘884 in view of Ritchie and further in view of Horstmann shows the system of claim 16. (See the rejection of claim 16 supra).

Dedrick ‘884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*”

Dedrick ‘884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows “wherein said variable display characteristics comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts.”

Dedrick ‘884 lacks an explicit recitation of: “wherein said variable display characteristics comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”

Horstmann (col.4, ll. 27-40; and FIG. 4) discloses: “*the Ad Module Builder tool guides a software developer through various options pertaining to operation of the ad*

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module. A simplified example of a screen display used to prompt the software developer is shown in FIG. 4.

Horstmann (col.4, ll. 27-40; and FIG. 4) in view of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) proposes screen display options modifications that suggest “wherein said variable display characteristics comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .” and that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick '884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see Dedrick '884 (col. 4, ll. 65-67)) and such combination would have provided means “*to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .*” (See Horstman (col. 2, ll. 5-10)).

As per claim 20, Dedrick '884 in view of Ritchie and further in view of Horstmann shows the system of claim 16. (See the rejection of claim 16 supra).

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Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses "*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*"

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests "said predictive model parameters. . . ."

Dedrick '884 (col. 4, ll. 35-55; col. 4, ll. 56-67; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows "wherein said predictive model is adapted to select a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts."

Dedrick '884 lacks an explicit recitation of: "wherein said predictive model is adapted to select a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . ."

Horstmann (col.4, ll. 27-40; and FIG. 4) discloses: "*the Ad Module Builder tool guides a software developer through various options pertaining to operation of the ad module. A simplified example of a screen display used to prompt the software developer is shown in FIG. 4.*"

Horstmann (col.4, ll. 27-40; and FIG. 4) in view of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) proposes screen display options modifications that suggest "wherein said predictive model is adapted to select a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and

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fonts. . . .” and that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Horstmann with the teachings of Dedrick ‘884 because such combination would have provided means for the end user *“to consume the advertisement in whichever format he or she prefers. . . .”* (see Dedrick ‘884 (col. 4, ll. 65-67)) and such combination would have provided means *“to retrieve advertisements from a an advertisement server and to display them to the user. The advertisements are varied to retain the interest of the user. Furthermore, information may be sent to the advertisement server, allowing advertising to be targeted to the user. . . .”* (See Horstman (col. 2, ll. 5-10)); and

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with “wherein said predictive model is adapted to select a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .” because such selection would have provided a method of *“[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions*

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taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

RESPONSE TO ARGUMENTS

4. Applicant's arguments have been considered but are not persuasive for the following reasons:

Applicant's arguments (Amendment C, paper#16, filed 4/30/2003) are moot in view of new grounds of rejection necessitated by Amendment C.

Applicant's argument (Amendment C, paper#16, p. 5, line 23; and p. 6, ll. 1-2) alleges that “Ritchie does not teach content data from a plurality of content providers. . . .” This is not the case.

It is well settled in the law that a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including non-preferred embodiments. (See *Merck & Co. Inc. v. Biocraft Laboratories Inc.*, 10 USPQ2d 1843 (CAFC 1989)).

Ritchie (FIG. 7) reasonably suggests “content data from a plurality of content providers. . . .”

In response to Applicant's argument (Amendment C, paper#16, p. 6, ll. 18-23) which alleges that Applicant's invention supports customization of displays in new ways,

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(e.g., displays that contain a different number of items from various content providers or merchants based on the user's preference regarding the number of items to be viewed at one time). . . .", it is noted that the features upon which Applicant relies (i.e., "user's preference regarding the number of items to be viewed at one time. . . .") are not explicitly recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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CONCLUSION

5. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450 (Box AF)
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

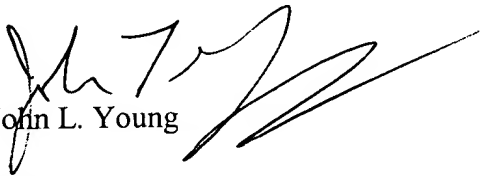
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Patent Examiner

June 12, 2003